

Remarks:

Status of Claims

Claims 1-9 are currently pending with claims 1, 6, and 9 being independent.

Office Action

The Examiner rejected all pending claims under 35 U.S.C. 102(b). Specifically, the Examiner rejected claims 1-9 as being anticipated by Applicant's previous patent, U.S. Patent No. 5,470,298 (the '298 patent). Applicant respectfully submits that the Examiner failed to consider various claimed features of the present application that differentiate the pending claims from the disclosures of the '298 patent. As such, the Examiner failed to present a proper basis for rejection under 35 U.S.C. 102(b) as the '298 patent fails to disclose or suggest all claimed features of the present application.

As described on page 2, lines 9-14, of the present application, various prior art exercise apparatuses, including the apparatus disclosed by the '298 patent, require a user to bend, stoop, lift, or otherwise awkwardly exert themselves in order to expose or access the normally concealed exercise mechanisms. Many users, including the elderly or the disabled, may be incapable of the actions required to place the exerciser in position for use. For example, the leg exercising station of the '298 patent is at least partially contained within the footrest portion 20 of a chair 12. To expose the pedal assembly 76 for exercise, a user must open the footrest lids and position an inner pole 74 to a desired height (column 5, lines 45-50). Such complex user maneuvering often defeats the benefits of an exercise apparatus that may be comfortably utilized by the elderly or disabled while seated.

In contrast, the present invention provides an improvement over prior art devices in that it does not require a user to stoop or bend to expose the apparatus for exercise. Applicant directs the Examiner's attention to FIGS. 11, 12, and 13 of the present application which generally illustrate the improved leg-exercising station of the present invention. The improved leg-exercising station is associated with an underside portion of the chair's footrest. The footrest is pivotally attached to the footrest support structure by a hinge or similar mechanism which allows the footrest to pivot

forwardly in order to expose and automatically raise the leg-exercising station for use. The footrest can be pivoted forwardly by pushing it with a toe or heel portion of a foot while otherwise comfortably seated. The leg-exercising station is concealed within the chair when the footrest is in its stowed position, and is substantially concealed beneath the footrest when the footrest is in its forward position but not pivoted to expose the leg-exercising station. Thus, a user need not stoop or bend or expose the apparatus for exercise.

The claims of the present application generally include this feature. For instance, claim 1, with emphasis added, reads as follows:

1. An exercise apparatus comprising:

a chair including a base portion, a seat portion, a backrest portion, a footrest having an underside portion, and a footrest support structure that is selectively extendable to position the footrest in a forward position and retractable to position the footrest in a stowed position, wherein the footrest is forwardly pivotable when in the forward position; and

a leg-exercising station including a pedal assembly associated with the underside portion of the footrest and adapted to allow a user to perform a leg exercise, wherein when the footrest support structure is extended and the footrest is in the forward position pivoting the footrest forwardly raises the pedal assembly for use, and when the footrest support structure is retracted and the footrest is in the stowed position the pedal assembly is located within the base portion of the chair.

The '298 patent, and all other prior art of record, fails to disclose or suggest the claimed features underlined above. For example, the footrest of the '298 patent is not "forwardly pivotable" such that "pivoting the footrest forwardly raises the pedal assembly for use." Instead, the footrest of the '298 is forwardly *extendible* in a generally conventional manner but is not *pivotable* to expose an exercise apparatus. A footrest that is extendible, such as a footrest found on common recliners or in the '298 patent, must be differentiated from a footrest that is pivotable, as the claimed footrest of the present application is both extendible to extend from a chair and pivotable to expose an exercise apparatus. Independent claims 6 and 9 of the present application additionally claim this feature in a generally similar manner. Thus, the '298 patent does not disclose or suggest all claimed features of claims 1-9.

Application No. 10/649,569
Amendment dated June 2, 2005
Reply to Office Action of March 2, 2005

In view of the remarks herein, Applicant respectfully submits that claims 1-9 are now in allowable condition and requests a Notice of Allowance. In the event of further questions, the Examiner is urged to call the undersigned. Any additional fee which is due in connection with this amendment should be applied against our Deposit Account No. 19-0522.

Respectfully submitted,
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